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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,678

12/04/2007

Jens Bohlen

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EXAMINER

WAITS, ALAN B

ART UNIT

PAPER NUMBER

3656

MAIL DATE

DELIVERY MODE

08/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,678	Applicant(s) BOHLEN ET AL.	
	Examiner ALAN B. WAITS	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/16/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the spindle nut stop". There is insufficient antecedent basis for this limitation in the claim.

3. The term "soft release" in claim 7 is a relative term which renders the claim indefinite. The term "soft release" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 7-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lange et al. US 2001/0029797.

Lange discloses a similar device comprising:

Re clm 1:

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- A threaded spindle (11, fig 1)
- A spindle nut (14, fig 1)
- A stop (28 and 29, fig 1)
- A limit stop (28, fig 1)
- A resiliently yielding faceplate (29, fig 1) operatively arranged between the spindle nut stop and the limit stop (fig 1)
- The limit stop and the spindle nut stop being offset relative to one another and actable upon the faceplate such that a bending moment is applicable to the faceplate and a spring action of the faceplate produces a soft release from the stop position of the threaded spindle and the spindle nut (fig 1)

Re clm 8:

- The faceplate is oriented perpendicularly to an axis defined by a shaft of the threaded spindle (fig 1)

Re clm 9:

- The spindle nut stop and the limit stop are arranged coaxially about the threaded spindle shaft axis (fig 1)

Re clm 10:

- The spindle nut stop has a first diameter, and the limit stop has a second diameter, with the first diameter being larger than the second diameter (fig 1)

Re clm 11:

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- The faceplate is operatively mounted on the limit stop (fig 1)

Re clm 1:

- A threaded spindle (11, fig 1)
- A spindle nut (14, fig 1)
- A stop (28, 29 and 27, fig 1)
- A limit stop (27, fig 1)
- A resiliently yielding faceplate (28, fig 1) operatively arranged between the spindle nut stop and the limit stop (fig 1)
- The limit stop and the spindle nut stop being offset relative to one another and actable upon the faceplate such that a bending moment is applicable to the faceplate and a spring action of the faceplate produces a soft release from the stop position of the threaded spindle and the spindle nut (fig 1)

Re clm 12:

- The faceplate is comprised of elastic material ([0022])

Re clm 13:

- The4 faceplate is comprised of metal ([0022])

Re clm 14:

- The faceplate is comprised of spring steel ([0022])

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gibson et al. USP 2504018, Krell USP 2620911 and Rowland 3732744 each disclose a similar device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN B. WAITS whose telephone number is (571)270-3664. The examiner can normally be reached on Monday through Friday 7:30 am to 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alan B Waits/

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Examiner, Art Unit 3656

/Richard WL Ridley/

Supervisory Patent Examiner, Art Unit 3656